



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2883-000]

Aquenergy Systems, LLC; Notice of Authorization for Continued Project Operation

On May 30, 2018, Aquenergy Systems, LLC, licensee for the Fries Hydroelectric Project No.2883, filed an Application for a New Major License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Fries Hydroelectric Project is located on the New River in the Town of Fries, Grayson County, Virginia.

The license for Project No. 2883 was issued for a period ending May 31, 2020. Section 15(a)(1) of the FPA, 16 USC 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 USC 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No.2883 is issued to Aquenergy Systems, LLC for a period effective June 1, 2020 through May 31, 2021 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before May 31, 2021, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Aquenergy Systems, LLC is authorized to continue operation of the Fries Hydroelectric Project, until such time as the Commission acts on its application for a new major license.

Dated: October 19, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021-23486 Filed: 10/27/2021 8:45 am; Publication Date: 10/28/2021]